



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: November 28, 2023

MOAHR Docket No.: 23-006007

Agency No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On September 8, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Family Independence Program (FIP) denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 22, 2023. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Jeff Cook, Employment and Training Coordinator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 10-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for FIP?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied to receive FIP from the Department.
2. On August 22, 2023, the Department mailed a verification checklist to Petitioner to obtain information from Petitioner so that the Department could determine Petitioner's eligibility for FIP. The verification checklist instructed Petitioner to provide proof of school attendance for [REDACTED] and [REDACTED] by September 1,

2023. The Department informed Petitioner that her benefits may be denied if she failed to provide the requested proof as instructed.

3. On August 30, 2023, the Department extended the verification checklist due date to September 11, 2023. The Department issued a new verification checklist to Petitioner with instructions to provide proof of school attendance for [REDACTED] by September 11, 2023. The Department informed Petitioner that her benefits may be denied if she failed to provide the requested proof as instructed.
4. On September 8, 2023, Petitioner requested a hearing. Petitioner asserted that the Department requested school records before school or staff were even there or the school district was open.
5. Petitioner has provided the Department with proof that the children were enrolled in school, but the Department determined that the proof was unsatisfactory because it did not prove that the children were attending school, and the Department needed proof of attendance rather than enrollment.
6. The Department has continued to deny Petitioner's application(s) for FIP.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

Petitioner is disputing the Department's decision to deny her application for FIP. The Department denied Petitioner's application for FIP because the Department did not receive satisfactory proof of school attendance for the children.

Dependent children are expected to attend school full-time, and graduate from high school or a high school equivalency program, in order to enhance their potential to obtain future employment leading to self-sufficiency. BEM 245 (July 1, 2023), p. 1. Dependent children ages 6 through 17 must attend school full-time. *Id.* The Department is required to verify school enrollment for each child beginning at age 7 when an application for FIP is received. *Id.* at p. 11. Acceptable verification includes a completed DHS-3380 verification of student information form, verification of the organized educational program used for home schooling, telephone contact with the

school, and other acceptable documentation that is on official business letterhead. *Id.* at p. 11-12.

The Department is required to request verification when required by policy. BAM 130 (October 1, 2023), p. 1. The Department requested verification of school attendance for the children because the verification was required by policy. When verification is requested, the client is required to obtain the verification and return it to the Department by the due date. BAM 130 at 3. The Department must give the client 10 days to return the verification. *Id.* at 7. The Department must send a negative action notice when either the client refuses to provide the verification, or the client has not made a reasonable effort to provide the verification within the time given. *Id.*

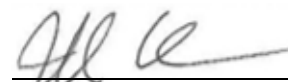
Based on the evidence presented, the Department properly denied Petitioner's request for FIP because the Department did not receive documentation from Petitioner that the Department required to determine Petitioner's eligibility for FIP. The Department properly instructed Petitioner to obtain documentation and provide it to the Department, but the Department did not receive acceptable verification from Petitioner, and Petitioner did not present any evidence to establish that she provided the documentation to the Department as instructed.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did act in accordance with its policies and the applicable law when it denied Petitioner's request for Family Independence Program assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
Administrative Law Judge

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Electronic Mail:

DHHS
Pam Farnsworth
Monroe County DHHS
903 Telegraph
Monroe, MI 48161
MDHHS-Monroe-Hearings@michigan.gov

Interested Parties
BSC4
B Sanborn
MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
MI [REDACTED]